

# INFORMATION SHEET

## DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

**DISTRICT OFFICE:** Saint Paul District

**FILE NUMBER:** MVP-2004-160944-GRK

**REGULATORY PROJECT MANAGER:** Gary Knapton **Date:** 12/01/2004

**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office (Y/N)** **N** **Date:**

**At the project site (Y/N)** **Y** **Date:** 11/17/2004

### PROJECT LOCATION INFORMATION:

State: Wisconsin

County: Outagamie

Center coordinates of site by latitude & longitude coordinates:

Lat /Long 44.3421979336, -88.6527133617

Approximate size of site/property (including uplands) in acres

80 acres

Name or waterway of watershed: Black Otter Creek, Wolf River, Wisconsin Watershed

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unk
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?					X

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Approved

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

There were two wetland areas located on the property. One located adjacent to Black Otter Creek on the north portion of the property and one located in the center of the south portion of the property. Based on a site visit, there were no surface water connections between the wetland area and other wetlands or waters of the US. According to the property owner, there is a spring located on the site but the water disappears from the surface prior to leaving the site. The isolated area is surrounded by non-hydric soils and areas of upland vegetation.

Of the 80 acres of property surveyed, the northern 1/3 of the property contains wetlands adjacent to Black Otter Creek. The isolated wetland area is located approximately 1000 feet from any other water of the US, including wetlands.